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jdt. 21.12.2023
jb.

**W.P.A. 19991 of 2022
(CAN 3 of 2023)
(Pulin Maity vs. State of West Bengal & Ors.)**

**Mr. Salil Kumar Maiti
... For the Applicant-Petitioner**

**Mr. C. C. De
Mr. Anirban Sarkar
... For the State**

Re: CAN 3 of 2023

This is an application for restoration of the applications being CAN 1 of 2023 and CAN 2 of 2023 which were dismissed for default by an order passed on 22nd September, 2023.

Good grounds being shown, the application being CAN 3 of 2023 is allowed.

The applications being CAN 1 of 2023 and CAN 2 of 2023 are restored to their original files and numbers.

CAN 3 of 2023 is disposed of.

**Re: CAN 1 of 2023
with
CAN 2 of 2023**

The applicants have prayed for condonation of delay in filing the substitution application upon death of the sole writ petitioner. Sufficient grounds being made out, the delay in filing the application is condoned.

The applicants be substituted in place of the sole writ petitioner.

The cause title of the writ petition be amended accordingly.

CAN 1 of 2023 and CAN 2 of 2023 are disposed of.

Re: W.P.A. 19991 of 2022

By consent of the parties the writ petition is treated as on day's list and taken up for consideration.

Affidavit of service filed on behalf of the petitioners is taken on record.

The petitioners claim to be successors in interest of the recorded owner of the plot in question and complain that the private respondent has raised unauthorised construction by encroaching upon a portion of the Government land adjoining their property thereby obstructing their egress and ingress. The original writ petitioner submitted a representation in this regard before the concerned authority on 4th July, 2022 which is yet to be considered. The petitioners pray for a direction upon the authority to consider the representation at the earliest.

Learned counsel for the private respondent submits that the private respondent has not encroached upon any portion of the Government land.

Learned counsel for the State respondents submits that the 3rd respondent be directed to consider the representation in accordance with law.

In view of the above, the writ petition is disposed of directing the 3rd respondent to consider and dispose of the representation submitted by the petitioners dated 4th July, 2022 within three months from the date of communication of this order upon affording reasonable opportunity of hearing to all interested persons including the petitioners and the private respondent/his authorised representative, in accordance with law.

There shall be no order as to costs.

Since no affidavit has been invited, allegations contained in the writ petition shall be deemed not to have been admitted.

Urgent certified website copy of the order, if applied for, be given to the parties on compliance of requisite formalities.

(Suvra Ghosh, J.)